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JUN 02 2005

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Gajendra P. Singh et al	:	
Application No. 09/716,545	:	DECISION ON PETITION
Filed: November 20, 2000	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03226.049001;P5243	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 9, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional Application No. 09/638,338, filed August 14, 2000.

The petition is **DISMISSED** as moot.

The instant application was filed on November 20, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,370 fee submitted for the petition under 37 CFR 1.78(a)(3) is unnecessary. Therefore, the petition fee will be credited to deposit account no. 50-0591 as authorized.

Any inquiries concerning this decision may be directed to Karen Creasy at (571) 272-3208.

The application is being forwarded to Technology Center Art Unit 2154 for processing the amendment filed May 9, 2005.

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy